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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,271	03/18/2004	John A. Damm JR.	11KP-122959	7805

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LOS ANGELES, CA 90071-1448

EXAMINER
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OMOSEWO, OLUBUSOLA

ART UNIT	PAPER NUMBER
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2168

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/804,271

Applicant(s)

DAMM, JOHN A.

Examiner

OLUBUSOLA ONI

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to communications: Amendment filed on 01/02/2007.
2. The objection to Claim 10 and 35 U.S.C 101 rejections for claims 1-6 has been withdrawn.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeffrey Johnson (PAT NO: 5,721,847) in the view of StatTrack K-Force (2003).

For claim 1, Jeffrey teaches "tapping on the cell" ([Col 9, lines 56-62] wherein Jeffrey teaches clicking on the cell increases the value within the cell, which is synonymous to updating the spreadsheet)

"automatically increasing the value of the cell by a predetermined increment each time the cell is tapped" ([Col. 9, lines 56-62, Col. 10, lines 52-Col.11, lines 4] wherein Jeffrey's teachings of clicking on the cell which causes an incremental change is synonymous to teaches of applicant)

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Jeffrey does not explicitly teach "recording a statistic of an athletic competition using the value of the cell".

However, StatTrack K-Force teaches "recording a statistic of an athletic competition using the value of the cell"(Page 3)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Jeffrey's teachings with teachings of the StatTrack K-Force. Wherein Jeffrey's teachings of linking a graphic control to a cell in the spreadsheet to manipulate values of the linked spreadsheet, could be modified by StatTrack's teachings whereby the values could be used for compiling the statistics of each player and also enable the creation of a spray chart for the players.

For claim 7, Jeffrey teaches "tapping on the cell" ([Col 9, lines 56-62] wherein Jeffrey's teachings of clicking on the cell increases the value within the cell, which is synonymous to updating the spreadsheet)

"automatically displaying the drop-drown list in response to tapping on the cell" ([Col 10, lines 44-51, fig. 3A-B])

"tapping on one of the alternative cell values to select a new cell value"([Col 10, lines 44-51, fig. 3A-B] wherein Jeffrey teaches clicking on the cell, displaying the drop down list to select an entry which would change the previous values in the cell, thus teachings are synonymous)

"automatically entering the new cell value into the cell" (Col 10, lines 44-51)

"wherein the new cell value represents a new value" (Col 10, lines 44-51)

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However, Jeffrey remains silent as to “the new cell value representing a new value of a player in an athletic competition”.

However, StatTrack’s teaching includes using a pocket pc/ PDA for compiling values or scores of the athletes.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Jeffrey’s teachings of a drop down list for selecting a new value with the StatTrack teachings, wherein it would have been obvious to implement the StatTrack teachings of using the pocket pc for tracking the score of each player in Jeffrey’s teachings, whereby the drop down list for selecting a new value could be values of players in an athletic competition, likewise Jeffrey’s teachings of drop down list for selecting a new value, could be implemented in the StatTrack teachings, whereby a drop down list could be used for selecting each players scores using StatTrack’s pocket pc device .

As per claim 2, this claim is rejected on the grounds corresponding to the argument given above for rejected claim 1 above including the following reasons: Jeffrey teaches “wherein the step of tapping on the cell is performed by a person” ([Col 9, lines 56-62, Col. 10, lines 52-Col.11, lines 4] wherein clicking on the within the cell changes the value and the click is performed by the user)

As per claim 3, this claim is rejected on the grounds corresponding to the argument given above for rejected claim 1 above including the following reasons: StatTrack K-

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Force teaches "wherein the step of tapping on the cell comprises the step of tapping on a touch screen using a stylus"([page 2] StatTrack's teachings includes using of a Stylus with the pocket pc)

As per claim 4, this claim is rejected on the grounds corresponding to the argument given above for rejected claim 1 above including the following reasons: Jeffrey teaches "wherein the step of automatically increasing the value of the cell by a predetermined increment is performed by a computer" ([Col. 5, lines 1-61, Col. 9, lines 56-62] wherein Jeffrey's teachings involve a computer for executing the software that implements the invention)

As per claim 5, this claim is rejected on the grounds corresponding to the argument given above for rejected claim 4 above including the following reasons: StatTrack teaches "wherein the computer is a handheld computer" ([page 1-3] StatTrack's teachings involve the use of either a pocket pc(handheld) or a desktop)

For claim 6, this claim is rejected on the grounds corresponding to the argument given above for rejected claim 1 above including the following reasons: Jeffrey teaches "further comprising the step of automatically updating the value of other cells whose value depends upon the value of the cell" ([Colo. 9, lines 62-Col. 10, lines 1-21] wherein making changes to cell D1 also changes the value of all cells linked to D1. the slider is within the cell, however, clicking on the slider is equivalent to clicking on the cell)

For claims 8 this claim is rejected on grounds corresponding to the arguments given above for rejected claim 2 and is similarly rejected.

For claim 9, this claim is rejected on the grounds corresponding to the argument given above for rejected claim 7 above including the following reasons: StatTrack K-Force teaches "wherein the steps of tapping on the cell and tapping on one of the alternative cell values comprise the step of tapping on a touch screen using a stylus"([page 2] StatTrack's teachings includes using of a Stylus with the pocket pc)

For claim 10, this claim is rejected on the grounds corresponding to the argument given above for rejected claim 7 above including the following reasons: Jeffrey teaches "wherein the steps of automatically displaying the drop-down list and automatically entering the new cell value are performed by a computer" (Col 10, lines 44-51, Col. 5, lines 1-61, Col. 9, lines 56-62] wherein Jeffrey's teachings involve a computer for executing the software that implements the invention)

For claim 11 this claim is rejected on grounds corresponding to the arguments given above for rejected claim 5 and is similarly rejected.

For claim 12 this claim is rejected on grounds corresponding to the arguments given above for rejected claim 6 and is similarly rejected.

For claim 13 this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

For claim 14-15 these claims are rejected on grounds corresponding to the arguments given above for rejected claims 3-4 and is similarly rejected.

For claim 16 this claim is rejected on grounds corresponding to the arguments given above for rejected claim 7 and is similarly rejected.

For claims 17-18 these claims are rejected on grounds corresponding to the arguments given above for rejected claims 9-10 and is similarly rejected.

**Response to Argument**

5. Applicant's arguments with respect to claims 1, 7, 13 and 16 have been considered but are moot in view of the new ground(s) of rejection.



**CONCLUSION**

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-272-2738. The examiner can normally be reached on 10.00-6.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2168

KBP



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